

REMARKS

In the office action mailed June 4, 2003, claims 13 and 14 were allowed (see item 3 on page 7); however, the PTO form 326 indicated these claims were rejected. It is presumed that these claims are allowed and that the PTO form 326 is in error. Correction of the PTO records is requested.

The undersigned notes with appreciation that claims 4-7 and 10-11 have remained identified as being drawn to allowable subject matter (item 3 on page 6 (note that item 3 is identified twice in the office action)). However, as will be discussed in more detail below, all claims are entitled to patent protection, and the undersigned requests reconsideration of the pending claims without further amendment.

In the office action, the Examiner identified new reference JP 02001228320A to Akahira, and rejected several claims based on combinations of references that included the Akahira reference. Specifically, claims 2, 3, and 12 were rejected as being obvious over a combination of U.S. Patent 6,046,822 to Wen in view of Akahira; and claims 8 and 9 were rejected as being obvious over a combination of Wen in view of Akahira further in view of U.S. Patent 5,807,437 to Sachs. As will be discussed in more detail, JP 02001228320A to Akahira is not a valid reference under the patent statute; therefore, none of the rejections can be properly maintained. In short, the rejections should be withdrawn, and a notice of allowance should be issued.

JP2000-042396 (which is the priority document cited on U.S. Patent 6,471,352 to Akahira) was published on August 24, 2001 as Japanese Publication number JP2001-228320 (the reference now relied upon by the Examiner). Thus, while JP2000-042396 was filed in Japan February 21, 2000, the document was not published until August 24, 2001 as JP2001-228320 which is several months AFTER the filing date of the present application. A copy of the front page of JP2001-228320 is provided herewith as Appendix A and it is noted that the August 24, 2001 publication date is printed at the upper right corner of the first page of the document. Since the publication date of reference relied on by the Examiner is AFTER the filing date of the present application, it is not a valid reference against any of the claims in the present application. As such, each of the rejections which rely on the Akahira reference should now be withdrawn.

The undersigned has carefully reviewed U.S. Patent 6,471,352 to Akahira which was referenced by the Examiner, but not relied upon by the Examiner in making the rejections. It is noted that this reference has a 35 U.S.C. 102(e) date of February 21, 2001. This pre-dates the U.S. filing date of the present application by twenty one days.


5 As will be noted by the Examiner, the present application claims priority to JP 2000-75116 filed March 17, 2000. Because the present application has an effective priority date prior to the effective filing date of U.S. Patent 6,471,352 to Akahira and the priority document provides support for the claimed invention, U.S. Patent 6,471,365 is not a proper reference against the claimed invention.

10 Since no claims are properly rejected for the reasons noted above, and no other references of record, alone or in combination with other valid references, would anticipate or make obvious the claimed invention, claims 2-14 should now be allowed, and the application should be passed to issue.

Should the Examiner find the application to be other than in condition for
15 allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such
20 provisional petition and any deficiencies in fees and credit any overpayment of fees for the petition or for entry of this amendment to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson P.C.).

Respectfully submitted,


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